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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BETIT, JACOB F

ART UNIT PAPER NUMBER

2164

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,071

Applicant(s)

STORMS ET AL.

Examiner

Jacob F. Betit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 25-37, 51-63 and 77-89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14-24, 38, 40-50, 64 and 66-76 is/are rejected.
- 7) ☒ Claim(s) 13, 39 and 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.


SAM RIMELL
PRIMARY EXAMINER

DETAILED ACTION

Remarks

1. In response to communications filed on 29-June-2006, claims 12, 38, and 64 are amended per applicant's request. Claims 1-89 are presently pending in the application of which claims 1-11, 25-37, 51-63, 77-89 are withdrawn from consideration.

Election/Restrictions

2. Claims 12-11, 25-37, 51-63, and 77-89 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction requirement in the reply filed on 13-January-2005.

3. In response to the applicant's newly cited arguments of traverse of the restriction requirement made on 13-December-2004, this requirement was made FINAL in the office action dated 21-April-2005.

4. The examiner reminds the applicant that the response to the restriction requirement made on 13-December-2004 had to be complete as required by 37 C.F.R. 1.111(b). "The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action...". The Office Action dated 21-April-2005 properly responded to the applicant's traverse that claimed that the office did not have authority to make the type of restriction that was made.

Claim Rejections - 35 USC § 103

5. Claims 12, 16, 18-21, 23-24, 38, 42, 44-47, 49-50, 64, 68, 70-73, and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. (U.S. patent No. 6,635,088 B1).

As to claim 12, Hind et al. teaches a method for generating data in a self-expanding data package in a computer system comprising:

generating one or more values in a set of one or more constant lists and storing said one or more values in the self-expanding data package (see column 7, lines 38-67);

generating one or more calculations that operate on one or more values in the set of one or more constant lists and storing said one or more calculations in the self-expanding data package (see column 8, line 44 through column 9, line 40);

transmitting the self-expanding data package to a second computer system that expands the self-expanding data package into an expanded table having expanded table rows (see column 8, lines 25-59 and see column 9, lines 30-41), wherein each expanded table row comprises a combination and each combination is generated by combining every value in each constant list with any combination of values from remaining parameters and performing the one or more calculations on the one or more values (see column 8, line 60 through column 9, line 29), wherein the one or more calculations eliminate one or more expanded table rows (see column 8, lines 44-59, where the entities are removed when the file is decompressed).

Hind et al. does not distinctly disclose generating *product* data, wherein the self-expanding data packages is for *product* data, wherein each expanded table row *represents a product*. However the difference between Hind et al. and the claim is limited to nonfunctional

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descriptive material and cannot render nonobvious an invention that would have been obvious. (See *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004)). The product data does not change how the data is generated in the self expanding data package.

As to claim 16, 42, 68 Hind et al. teaches wherein one or more calculations are utilized to provide additional data used in the expanded table (see figures 3A and 3B, where it is inherent that after the parser decompresses the data the result will look be figure 3A).

As to claim 18, 44, 70 Hind et al. teaches wherein one or mote calculations provide for eliminating duplicate expanded table rows (see column 8, lines 44-59).

As to claim 19, 45, 71 Hind et al. teaches wherein the self-expanding data package is written in extensible markup language (XML) (see column 1, lines 8-12).

As to claim 20, 46, 72 Hind et al. teaches wherein one or more calculations are selected through a graphical user interface (see column 7, lines 38-67, where the calculations are selected when the user selects a file).

As to claim 21, 47, 73 Hind et al. teaches wherein the self-expanding data package is transmitted across a network (see column 7, lines 14-67).

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As to claim 23, 49, 75 Hind et al. teaches wherein an editor is used to directly edit the self-expanding data package (see column 2, lines 23-26, where it is inherent that an editor is required for a human to edit an XML file).

As to claim 24, 50, 76 Hind et al. teaches wherein logic for expanding the data package into the expanded table is fully defined within the data package and the data (see column 8, lines 38-43).

As to claim 38, Hind et al. teaches an apparatus for generating data in a self-expanding data package in a computer system comprising:

(a) a computer system having a memory and a data storage device coupled thereto (see figure 1);

(b) one or more computer programs, performed by the computer system, for generating a self-expanding data package and storing the self-expanding data package in the memory (see column 8, line 44 through column 9, line 40), wherein the self-expanding data package comprising:

(i) one or more values in a set of one or more constant lists (see column 7, lines 38-67); and

(ii) one or more calculations that operate on one or more values in the set of one or more constant lists (see column 8, line 44 through column 9, line 40);

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wherein the self-expanding data package is transmitted to a second computer system that expands the self-expanding data package into an expanded table having expanded table rows (see column 8, lines 25-59 and see column 9, lines 30-41), wherein each expanded table row comprises a combination and each combination is generated by combining every value in each constant list with any combination of values from remaining parameters and performing the one or more calculations on the one or more values (see column 8, line 60 through column 9, line 29), wherein the one or more calculations eliminate one or more expanded table rows (see column 8, lines 44-59).

Hind et al. does not distinctly disclose generating *product* data, the self-expanding data package is *for product data*, and each expanded table row *represents product data*. However the difference between Hind et al. and the claim is limited to nonfunctional descriptive material and cannot render nonobvious an invention that would have been obvious. (See *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004)). The product data does not change how the data is generated in the self expanding data package.

As to claim 64, Hind et al. teaches an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer to perform a method for generating data in a self-expanding data package in a computer system, the method comprising:

generating, in the self-expanding data package, one or more values in a set of one or more constant lists (see column 7, lines 38-67);

generating, in the self-expanding data package, one or more calculations that operate on one or more values in the set of one or more constant lists (see column 8, line 44 through column 9, line 40);

wherein the self-expanding data package is transmitted to a second computer system that expands the self-expanding data package into an expanded table having expanded table rows (see column 8, lines 25-59 and see column 9, lines 30-41), wherein each expanded table row comprises a combination and each combination is generated by combining every value in each constant list with any combination of values from remaining parameters and performing the one or more calculations on the one or more values (see column 8, line 60 through column 9, line 29), wherein the one or more calculations eliminate one or more expanded table rows (see column 8, lines 44-59).

Hind et al. does not distinctly disclose generating *product* data, the self-expanding data package is *for product data*, and each expanded table row *represents a product*. However the difference between Hind et al. and the claim is limited to nonfunctional descriptive material and cannot render nonobvious an invention that would have been obvious. (See *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004)). The product data does not change how the data is generated in the self expanding data package.

6. Claims 14-15, 40-41, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. (U.S. patent No. 6,635,088 B1) in view of Sasaki et al. (U.S. patent No. 6,434,623 B1).

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As to claim 14, 40, 66, Hind et al. does not specifically disclose wherein one or more calculations are applied to test validity of the expanded table rows, and only those expanded table rows that are valid are maintained in the expanded table.

Sasaki et al. teaches this see column 5, line 64 through column 6, line 25. Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Hind et al. to include the teachings of Sasaki et al. because these teachings would allow a user to identify that the data from the source is in “short supply” and to later receive any “missing data” (see Sasaki et al., abstract).

As to claim 15, 41, 67, Hind et al. as modified, teaches wherein one or more calculations are utilized to perform a precursor conditional test that is used to test validity of the expanded table rows (column 5, line 64 through column 6, line 25).

7. Claims 17, 43, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. (U.S. patent No. 6,635,088 B1) in view of Shiba (U.S. patent No. 6,480,124 B2).

As to claim 17, 43, 69 Hind et al. does not specifically disclose wherein the self-expanding data package comprises product data for use in a computer-aided design application.

Although the data being used in a CAD application is only an intended use of the invention, Shiba teaches compressing CAD data and using the data in a computer-aided design application (see abstract, and see summary). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used Hind et al. to include the teachings of Shiba because using the invention of Hind et al. with a CAD application would

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reduce the size of the CAD files so that the files being stored do not occupy as large an amount of disk space (see Shiba, column 1, lines 10-33).

8. Claims 22, 48, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. (U.S. patent No. 6,635,088 B1) in view of the examiner's official notice.

As to claim 22, 48, 74 Hind et al. does not specifically disclose wherein one or more calculations comprise one or more filters that limit results displayed from the expanded table rows.

The examiner takes official notice that it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Hind et al. to include wherein the self-expanding data package comprises one or more filters that limit results displayed from the expanded table rows because this would allow comment fields (i.e. <!-- comment here -->) inside the XML that would allow someone reading the raw XML file to more fully understand what the data means.

Allowable Subject Matter

9. Claims 13, 39, and 65 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten to include the limitations of the independent claims on which they depend.

Response to Arguments

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10. Applicant's arguments filed 29 June 2006 with respect to claims 12, 38, and 64 have been fully considered but are not deemed persuasive.

In response to the applicant's arguments that "the amended claims explicitly provide for and recite product data and that each row represents a product", the arguments have been fully considered but are not deemed persuasive. The recitation of "product data" instead of "data" does not appear to functionally change the process and systems that are being claimed.

Therefore "product data" is non-functional descriptive material, and cannot render non-obvious claim limitations that would otherwise be obvious in view of the prior art as indicated in the rejection above. Further there is nothing in Hind et al. that prohibits the XML data from being product data.

In response to the applicant's arguments that "there is not even remote reference to constant lists or self-expanding data package for [data] as claimed", the arguments have been fully considered but are not deemed persuasive. The compressed XML files are a "self-expanding" data package because the information within the file is the only information needed to expand the files all of the necessary data and calculations are contained within. The constant list (only one is required by the claim) is the XML data in its compressed format. This list is the same as the original XML data only with common strings removed and replaced with entity names.

In response to the applicant's arguments that there is no reference to "a calculation that operates on the values" in a constant list, the arguments have been fully considered but are not deemed persuasive. The entities represent the calculations that must be done to decompress the XML data. The calculation is for each "entity_name" of the XML document replace with "the text string for the entity".

In response to the applicant's arguments that the reference does not "allude to a table in any way shape or form", the arguments have been fully considered but are not deemed persuasive. Hind et al. represents the table in XML form (see figures 3A and 3B, where each <Order> tag would be a new row, and <Order_Nbr>, <Customer_Nbr>, <Customer_Name>, and <Ship_To_Address> represent columns, much the same way tables are represented in XML form in the present application, see paragraph 0042 of the specification. Further, Hind et al. mentions storing the data as elements in a database (see column 8, lines 10-15).

In response to the applicant's arguments directed towards claims 17, 43, and 69, the arguments have been fully considered but are not deemed persuasive. These claims recite "wherein the self-expanding data package comprises product data for use in a computer-aided design application" (or similar recitations). This claim does not limit the invention beyond that which is either non-functional descriptive material, i.e. "product data", or an optionally recited limitation of intended use, i.e. "*for use* in a computer-aided design application".

The applicant is directed to the arguments above and the rejection of claims 12, 38, and 64 for a discussion of why product data is non-functional.

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Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. One example of a statement that raises question as to the limiting effect of the language is statements of intended use or field of use. See MPEP 2106 II. C. “[F]or use in a computer-aided design application” appears to only recite one possible use for the self-expanding data package.

In response to the applicant’s request that documentary evidence be provided for the examiner’s official notice, a reference has been applied to the rejection of claims 17, 43, and 49, above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb
12 Sep 2006


SAM RIMELL
PRIMARY EXAMINER